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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,743	08/14/2000	Geoffrey S Ratte	5458/5012cp2	9467

7590 09/10/2002

Carl L Johnson  
Jacobson and Johnson  
Suite 285  
One West Water Street  
St. Paul, MN 55107-2080

EXAMINER

ROWAN, KURT C

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/638,743

Applicant(s)

RATTE

Examiner

KURT ROWAN

Art Unit

3643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 8, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 8, 2002 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4, 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wymore.

The patent to Wymore shows a clamp sinker composed of bendable material with first and second curved gripping surfaces 28, 30 in Fig. 1. Wymore shows the cone shaped body in Fig. 4 and 6 which shows a bendable cone shaped body with first second, third, and fourth line gripping surfaces 46, 47 to hold the line in a centered condition. In reference to claims 1, 3, 11, it would

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have been obvious to provide the cone shaped embodiment of Fig. 4 with curved gripping surfaces as shown in Fig. 1 for the purpose of fixing the line in relation to the sinker. Wymore shows a first and second line centering surface such as the back of line groove 44 opposite hinge 42. Wymore shows a mouth groove or recess 24 in Figs. 1-3 which would require less tension force to open and close the jaws since a larger opening permits more leverage to act on the jaws. The mouth groove 24, which is shown in Fig. 1 with a first portion on the left below the centerline and a second portion on the right above the centerline which acts as first and second thumbnail recesses which are located at a peripheral edge of the body and extend inwardly sufficiently far to allow a user to insert a thumbnail therein. In reference to claims 4, 7, Wymore shows the body as a single integral member with asymmetrical line gripping surfaces 28, 30. In reference to claim 6, it is not clear if Wymore contemplates finger bendable clamps, but it would have been obvious to employ a finger bendable clamp for the purpose of not needing a pliers to operate the clamp. In reference to claim 8, Wymore shows the jaws extending the entire length of the line clamp in Fig. 1. Note the diverging exterior surfaces 34, 36. In reference to claim 9, Wymore shows a one piece clamp and two asymmetrical jaws 28, 30 extending to the geometric center of the line clamp with the jaws being movable between an open and closed condition by pivoting as shown in Fig. 2. In reference to claim 10, Wymore shows first and second relief 24 on the top and bottom of the sinker as shown in Figs. 1, 2 to permit a user to use a fingernail or thumbnail to pry apart the sinker in the closed condition.

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4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wymore as applied to claim 1 above, and further in view of Crumrine.

The patents to Wymore and Crumrine show fishing weights. Wymore has been discussed above, but does not disclose bismuth. Crumrine discloses a weight 30 made from bismuth in column 4, line 47. In reference to claim 5, it would have been obvious to make the sinker of Wymore from bismuth as shown by Crumrine for the purpose of having a non-toxic sinker.

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KURT ROWAN whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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A handwritten signature in black ink that reads "Kurt Rowan". The signature is written in a cursive style with a large, stylized 'K' and 'R'.

KURT ROWAN

PRIMARY EXAMINER

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September 9, 2002